



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,311	08/20/2001	Douglas S. Makofka	GIC-626	7059

20028 7590 05/12/2004

LAW OFFICE OF BARRY R LIPSITZ
755 MAIN STREET
MONROE, CT 06468

EXAMINER

FAILE, ANDREW I

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 05/12/2004

#2

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 2

LAW OFFICE OF BARRY R LIPSITZ
755 MAIN STREET
MONROE CT 06468

In re Application of)
Douglas Makofka)
Application No. 09/933,311)
Filed: August 20, 2001)
For: ADVERTISEMENT SWAPPING USING AN)
AGGREGATOR FOR AN INTERACTIVE)
TELEVISION SYSTEM)

**NOTIFICATION OF
IDENTIFICATION OF PRIOR
ART IN LATE PROTEST UNDER 37
C.F.R. § 1.291(a)**

The protest filed April 27, 2004, is a proper citation under 37 C.F.R. §1.291(a); however it was filed after the February 20, 2003 publication date of the application.

Because the protest was filed after publication of the application it is not being entered in the application file. The original protest is enclosed with this letter and the duplicate copy submitted by the protestor is being destroyed in accordance with MPEP § 1901.06, Protest Filed After Allowance Or The Publication Of The Application.

If appropriate, Applicant may wish to consider submitting prior art from the protest pursuant to 37 C.F.R. §1.97 and 37 C.F.R. §1.56 during the prosecution of the application.

The protest did not satisfy the requirements pursuant to 37 C.F.R. §1.99 for failure to provide copies of the references and failure to pay the appropriate fee.

Dwayne D. Bost
Special Programs Examiner
Technology Center 2600
Communications

Enc: Protest (4 pages)